

APPENDIX - CLAIMS AT ISSUE

Claim numbers 1, 3, 7-12 and 19 are at issue and read as follows:

1. A composition consisting essentially of a fibrate dissolved in at least one oil with one emulsifier selected from the group consisting of polyoxyethylene sorbitan fatty acid derivatives, sorbitan fatty acid derivatives, polyoxyl-35-castor oil, castor oil ethoxylates, hydrogenated castor oil ethoxylates, polyglycerol esters of fatty acids, fatty acid ethoxylates, alcohol ethoxylates, polyoxyethylene-polyoxypropylene co-polymers, polyoxyethylene-polyoxypropylene block co-polymers, and d-alpha tocopheryl polyethylene glycol 1000 succinate wherein the resulting mixture forms an emulsion upon dilution with an aqueous phase.

3. A composition of claim 1 wherein the fibrate is fenofibrate.

7. A composition of claim 1 wherein at least one or more of said emulsifiers is selected from the group consisting of phospholipids, polyoxyethylene sorbitan fatty acid derivatives, sorbitan fatty acid derivatives, polyoxyl-35-castor oil, castor oil ethoxylates, hydrogenated castor oil ethoxylates, polyglycerol esters of fatty acids, fatty acid ethoxylates, alcohol ethoxylates, polyoxyethylene-polyoxypropylene co-polymers, polyoxyethylene-polyoxypropylene block co-polymers, d-alpha tocopheryl polyethylene glycol 1000 succinate and combinations thereof.

8. A composition of claim 7 wherein at least one or more of said emulsifiers is polyoxyethylenesorbitan fatty acid derivatives, sorbitan fatty acid derivatives and polyoxyl-35-castor oil.

9. A composition of claim 1 wherein said oil is selected from the group consisting of soybean oil, coconut oil, corn oil, palm kernel oil, cottonseed oil, olive oil, peanut oil, safflower oil and sesame oil.

10. A composition of claim 9 wherein said oil is soybean oil.

11. A composition of claim 1 further comprising a co-solvent.

12. A composition of claim 11 wherein said co-solvent is ethanol, propylene glycol or polyethylene glycol.

19. A composition consisting of a fibrate dissolved in at least one oil with one emulsifier selected from the group consisting of polyoxyethylene sorbitan fatty acid derivatives, sorbitan fatty acid derivatives, polyoxyl-35-castor oil, castor oil ethoxylates, hydrogenated castor oil ethoxylates, polyglycerol esters of fatty acids, fatty acid ethoxylates, alcohol ethoxylates, polyoxyethylene-polyoxypropylene co-polymers, polyoxyethylene-polyoxypropylene block co-polymers, and d-alpha tocopheryl polyethylene glycol 1000

succinate wherein the resulting mixture forms an emulsion upon dilution with an aqueous phase.